

Education K-12 Committee

Senator Karen Johnson, Chairman



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EDUCATION K-12 COMMITTEE

LEGISLATION ENACTED

TAPBI program; administrative salaries (S.B. 1081) – Chapter 155

Requires each Technology Assisted Project-Based Instruction (TAPBI) school to include in its annual report to the State Board of Education and the Joint Legislative Budget Committee a listing of salaries, titles and job descriptions for administrators who are employed or contracted at the school.

~~take sales; regulation; exemption~~ (NOW: appropriation; English language learners) (S.B. 1096) – Chapter 34 W/S

Appropriates \$40.7 million from the state General Fund in FY 2008–2009 to the Arizona Department of Education for deposit into the Arizona Structured English Immersion Fund (Fund) to fund the models adopted by the Arizona English Language Learners Task Force. The monies in the Fund are exempt from lapsing and must be distributed on the same apportionment schedule as Basic State Aid to schools.

unorganized territory; adjacent school districts (S.B. 1172) – Chapter 27 E

Beginning April 14, 2008, requires an unorganized territory that reaches the statutory threshold required to join an adjacent school district to join both the elementary and union high school district if the adjacent school district identified for annexation is within the boundaries of a union high school district. If the adjacent school district is an elementary school district that is not within the boundaries of a high school district, the unorganized territory must join the elementary district, and the high school pupils from the unorganized territory must be educated in the same manner as the high school pupils located in the elementary school district.

charter schools; approved plans; renewal (S.B. 1215) – Chapter 56

Requires a charter school sponsor to notify a charter school that the charter is eligible for renewal at least 18 months prior to expiration of the existing charter. Also, a charter school electing to renew must file a renewal application at least 15 months before expiration of the existing charter.

schools; biometric information; prohibition (S.B. 1216) – Chapter 189

Prohibits a public school from collecting biometric information from a pupil unless the pupil's parent or guardian provides written permission. The bill requires a school to provide written notice, in a required format, of the intent to collect pupil biometric information to a parent or guardian at least 30 days prior to the collection.

~~joint common schools; technical correction~~ (NOW: education database; pupil privacy) (S.B. 1218) – Chapter 28

Requires the Arizona Department of Education to comply with the Family Educational and Privacy Rights Act when collecting or disclosing pupil records maintained in an education database.

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Prescribes requirements for maintaining the database in a manner that information is secure and confidential, including that the unique pupil identifier cannot be the pupil's Social Security number, or any variation thereof, and must not be identifiable by anyone other than the officials maintaining the database.

~~schools; diabetes treatment~~ (NOW: diabetes treatment; schools) (S.B. 1229) – Chapter 31

Allows a school district governing board or charter school governing body to adopt policies and procedures for pupils with diabetes, who are diagnosed by a licensed primary health professional or nurse practitioner, to manage their diabetes in the classroom, on school grounds and at school-sponsored events. The bill further permits the governing board or body to create policies and procedures to designate two or more school employees to serve as voluntary diabetes care assistants to administer glucagon in an emergency situation under specific conditions. A school district governing board, a charter school governing body and their employees and any volunteer licensed health professional or nurse practitioner that trains the volunteer diabetes care assistants are exempt from civil liability if all policies and procedures are complied with and if all decisions made and actions taken are in good faith.

school safety; school misconduct (S.B. 1230) – Chapter 127 E

Effective April 29, 2008, increases the School Safety Program grant cycle from one fiscal year to three fiscal years.

compact; educational opportunity; military children. (S.B. 1334) – Chapter 86

Codifies the Interstate Compact on Educational Opportunity for Military Children (Compact). Also establishes the Interstate Commission on Educational Opportunity for Military Children (Commission) to create and enforce Compact rules and bylaws and requires the Commission to establish an Executive Committee to oversee Commission activities and administration. The Compact becomes effective and binding upon legislative enactment of the Compact in at least ten states no earlier than December 1, 2007.

school safety program; reserve officers (S.B. 1401) – Chapter 74

SEE APPROPRIATIONS COMMITTEE.

SDRC; small school district adjustment (S.B. 1443) – Chapter 200

Extends the operational date for a school district that unifies as a result of the School District Redistricting Commission (SDRC) plan. The bill also allows a school district that unifies as a result of the SDRC plan to continue to budget for the small school adjustment for the first four fiscal years of operation using a phase-down formula if one of the school districts combined into this new school district previously qualified for the small school district adjustment.

school pupils; alternative graduation requirements (H.B. 2008) – Chapter 202 W/O

Allows, retroactive to January 1, 2008, a pupil who fails to achieve a passing score on the high school Arizona Instrument to Measure Standards (AIMS) exam to augment his or her score by up to one quarter of the score if the pupil took the exam each time, successfully completed all

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coursework and credits required for graduation and participated in any academic remediation programs available in the pupil's school in the test areas where he or she failed to achieve a passing score. The maximum amount a pupil may augment his or her AIMS score is: 1) up to 25 percent in school years 2007-2008 and 2008-2009; 2) up to 15 percent in school year 2009-2010; and 3) up to 5 percent in school year 2010-2011 and each year thereafter.

~~DOA; energy conservation standards~~ (NOW: school employees; arrests; reporting) (H.B. 2042) – Chapter 212

Requires a public school employee or applicant who is arrested for a nonappealable offense that would preclude the individual from receiving a fingerprint clearance card to immediately notify his or her current or prospective employer. A public school employee who is convicted of any nonappealable offense that would preclude the individual from receiving a fingerprint clearance card or a dangerous crime against children or who has to register as a sex offender must surrender any state-issued certificate and fingerprint clearance card and further notify his or her employer of the conviction.

The State Board of Education must adopt rules to: 1) prohibit a person from certification until the person is no longer charged or is acquitted if the employee or prospective employee who is arrested fails to make the required notification; and 2) revoke a teaching certificate for at least ten years if a convicted employee violates the notification and surrendering of certificate and fingerprint clearance card requirements. Upon notice that an employee or volunteer at a public school requiring a fingerprint clearance card has been arrested or convicted of a nonappealable offense precluding the individual from obtaining a fingerprint clearance card or a dangerous crime against children or must register as a sex offender, the Department of Public Safety must notify each school district or charter school in the state of the suspension or revocation of the fingerprint clearance card.

e-learning task force (H.B. 2064) – Chapter 265

Expands the duties of the Arizona E-Learning Task Force (Task Force) to include additional recommendations to the Legislature related to e-learning instructional programs, teacher training, school funding and standardized data systems within the Arizona Department of Education. Directs the Senate and House of Representatives to conduct a review of the Task Force and recommend to the Governor, Legislature and Task Force by December 1, 2008, if the Task Force should be continued, revised, consolidated or terminated.

charter schools; academic contests fund (H.B. 2167) – Chapter 61

Allows charter schools to receive monies from the Academic Contests Fund.

~~regents; officers; technical correction~~ (NOW: budget reconciliation; education) (H.B. 2211) – Chapter 287 W/O

SEE APPROPRIATIONS COMMITTEE.

school pupils; admission; absences (H.B. 2368) – Chapter 267

Requires a school to notify the parent or custodian of a pupil in grades seven or eight who is absent from school without notice or authorization within: 1) two hours after the first class a pupil is

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absent, if the class is the pupil's first class of the day; or 2) five hours after the pupil's first absent class, if the class is not the pupil's first class of the day.

Allows a school to deny admittance to a child who has graduated from high school with a recognized diploma.

school districts; notices; electronic publication (H.B. 2369) – Chapter 206

Eliminates school-by-school reporting of school district annual financial reports (AFR). The bill also grants the option to a school district to publish the AFR through a posting on the Arizona Department of Education's (ADE) website, which must provide a link from the school district's website to the ADE website.

school textbooks; alternative media producers (H.B. 2441) – Chapter 108

Requires the State Board of Education to designate alternative media producers to adapt existing standard print textbooks or to provide specialized textbooks, or both, for special education pupils in Arizona, and to post the designated list of producers on its website.

~~education accountability; crisis teams; receivership~~ (NOW: schools; overexpenditure; crisis teams; receivership) (H.B. 2469) – Chapter 111 E

Effective April 28, 2008, delays the repayment period for overexpenditures for the Union Elementary, Saddle Mountain Unified and Peach Spring Unified school districts for nine years beginning in FY 2008-2009.

Effective July 1, 2008, the bill also does the following:

Receivership – Permanently extends the ability of the State Board of Education (SBE) to appoint a receiver to a school district that is deemed insolvent or has grossly mismanaged its finances. The receivership statutes are further modified to: 1) expand the conditions under which a receiver may be appointed; 2) allow a receiver to begin duties immediately upon appointment; 3) require a receiver to submit quarterly progress reports within 90 days after submitting the initial 120-day report; 4) direct the SBE to review the receiver expenses and costs at least quarterly; 5) designate as confidential and not public record all information received and records or reports kept by the SBE during an investigation of a complaint against a receiver; and 6) prohibit a receiver from providing a severance or buy-out package to the school superintendent or chief financial officer of a school district placed in receivership.

School District Overexpenditures – Requires a county school superintendent to notify the Arizona Department of Education (ADE) within two business days if a school district has committed an overexpenditure. ADE must subsequently provide written notice if sufficient budget capacity exists. If the school district does not resolve the overexpenditure or if the amount of the overexpenditure exceeds a specific threshold, the ADE is required to place the issue on a SBE agenda for consideration. After relevant testimony is provided during a public meeting, the SBE is required to take one of the following actions: 1) direct the ADE to monitor the school district; 2) assign a level one or level two fiscal crisis team to the school district; or 3) appoint a receiver to the school district. A county school superintendent, who does not provide the appropriate notice to the ADE of a school district overexpenditure, as well as the governing board members and appropriate personnel of a school district that are assigned a level two fiscal crisis team, must complete up to 12 hours of

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professional development training within 120 days of notification. A county school superintendent who fails to provide appropriate notification more than once and school district governing board

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members who fail to complete the required professional development may be prosecuted for nonfeasance in office and removed from office through a court order if found guilty.

Reporting Requirements – Requires a school district that is assigned a fiscal crisis team or a receiver due to overexpenditures to submit fiscal management plans to the SBE and post these plans on the district website. The fiscal crisis team or the receiver of these school districts are required to submit quarterly progress reports based on the school district's fiscal management plan. The SBE must submit an annual compilation report on all school district fiscal management plans by December 31 to the Governor and Legislature.

Miscellaneous – Requires the SBE to direct the Superintendent of Public Instruction to withhold up to ten percent of state monies and the corresponding budget capacity for each violation of the Uniform System of Financial Records.

~~real estate disclosure; training ranges.~~ (NOW: military reservations; board; accommodation schools (H.B. 2495) – Chapter 207 E

An emergency measure, retroactive to July 1, 2004, to increase the general budget limit and revenue control limit of an accommodation school having boundaries coterminous with a military reservation by an amount equal to the school's heavily impacted general impact aid monies. The bill allows the county school superintendent to authorize a budget increase similar to a K-3 override, without an election, if the accommodation school has sufficient ending cash balance to fund the budget increase. Additionally, the bill establishes a five-member reservation accommodation school board.

~~charter schools; transfer of credits~~ (NOW: transfer credits; notice; examination) (H.B. 2563/S.B. 1478) – Chapter 2

Requires a public school to accept credits earned in courses or instructional programs by a pupil who was previously enrolled at another public school. The bill allows a school district governing board or charter school governing body to adopt policies to determine and provide notice to a pupil regarding the assignment of transfer credits as either core or elective credits. Within ten days of notification, a pupil may take a test in a course in which core credit is denied, and, upon passage of the test, the public school is required to accept the transfer credit as a core credit.

schools; student teachers; tutors; fingerprinting (H.B. 2566) – Chapter 115 E

Beginning April 28, 2008, requires a student teacher or a contracted tutor to obtain a fingerprint clearance card prior to providing services directly to pupils.

schools; fingerprinting; contract employees (H.B. 2694) – Chapter 222

Requires a school district to obtain fingerprint checks of any contractor, subcontractor or vendor or any employee of the contractor, subcontractor or vendor who provides contract services on school property at least five times each month. A school district governing board must adopt policies that may exempt individuals who are unlikely to have direct, unsupervised contact with pupils from the fingerprint check requirement. The bill requires the Department of Public Safety (DPS) to conduct required state and national criminal records checks of noncertificated personnel and personnel who are not paid employees of the school district and permits the DPS to exchange the

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fingerprint data with the Federal Bureau of Investigation.

school districts; educational mismanagement; intervention (H.B. 2711) – Chapter 139 E

Beginning April 29, 2008, authorizes the State Board of Education (SBE) to appoint a superintendent to a school district with six or more schools that is determined to have systemic educational mismanagement by the Arizona Department of Education (ADE).

Appointment of the Superintendent – ADE must recommend at least three persons to serve as superintendent of the school district to the SBE. The SBE must deny the ADE recommendation or appoint a superintendent to serve a term of three years. To the extent permitted by law, the SBE appointment of a superintendent voids the current superintendent's contract and prohibits a severance or buyout package for the current superintendent.

Duties of the SBE-appointed Superintendent – The SBE-appointed superintendent is charged with reviewing and investigating the school district's educational affairs and submitting a detailed report that includes an educational improvement plan to the SBE within 120 days of appointment. The bill also requires the SBE-appointed superintendent to submit quarterly reports beginning 90 days after the submittal of the educational improvement plan.

Community Advisory Committee – The SBE-appointed superintendent must appoint a 15-member Community Advisory Committee (Committee) comprised of a majority of the members residing within the school district. The SBE-appointed superintendent or any officers or employees of the school district found to have systemic educational mismanagement are not permitted to serve on the Committee.

SBE Duties and Powers – The SBE must formally review the SBE-appointed superintendent's progress every six months to determine whether the operation of the school district should be returned to the school district governing board. The SBE must consider the appointed superintendent's quarterly progress reports and Committee input, and may remove and replace the appointed superintendent if the superintendent's progress is insufficient. The bill outlines an exit strategy for a school district with systemic educational mismanagement once it has been determined that the school district no longer has systemic educational mismanagement and has achieved adequate academic progress.

charter schools; ASDB; transportation (H.B. 2747) – Chapter 208

Permits a school district to transport sensory impaired pupils to a charter school, upon parental request, if the school district already transports pupils to the Arizona State Schools for the Deaf and the Blind (ASDB) and the distance from the pupil's residence to the charter school is less than the pupil's residence to the ASDB. The bill also sets the probationary period for ASDB employed teachers at two years from the first day of employment and adds the ASDB to the state personnel system if sufficient monies are appropriated from the Arizona Department of Administration to fund the ASDB transfer to the state personnel system before July 1, 2009.

tribal lands; adequate school facilities (H.C.M. 2007)

Urges the U.S. Congress to set aside sufficient Bureau of Indian Education (BIE) monies to replace two existing BIE schools with one school on the Third Mesa of the Hopi Reservation.

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school district expenditures; authorization (H.C.R. 2005/S.C.R. 1023)

Authorizes school districts in FY 2007-2008 to expend local revenues in the amount of \$146,596,568 above the aggregate expenditure limitation allowed by the Arizona Constitution.

LEGISLATION VETOED

scholarships; disabled pupils; good cause (S.B. 1025) – VETOED

Provides for the Arizona Department of Education to make good cause exceptions to eligibility requirements of the Arizona Scholarships for Pupils with Disabilities Program (Program).

In her veto message, the Governor indicates the Program is the subject of litigation and the continued existence of the Program is unpredictable and it is premature to expand it in the midst of this type of legal challenge.

review committee; Arizona national rankings (S.B. 1279) – VETOED

Creates a Review Committee on Arizona National Rankings (Committee). The bill requires the Arizona Department of Education and the Arizona Department of Commerce to provide staff support, assistance and resources.

The Governor indicates in her veto message that the work of the Committee is already being undertaken by numerous policy makers, advisory groups and regulatory agencies that are trained in peer review analysis, and the Committee, without any funding, would duplicate statistical analyses already conducted by others.

schools; employee code of conduct (S.B. 1341) – VETOED

Requires the State Board of Education (SBE) to recommend to each public school governing body a code of conduct for public school employees that may be publicly adopted or amended to fit the needs of the public school. If adopted, the board must post the code of conduct on its website or disseminate it in printed form and require each employee to recognize the receipt of the code of conduct in writing. Any failure to adopt the SBE or any code of conduct does not result in civil liability or grounds for a private cause of action.

The Governor states in her veto message that most public schools already have adopted customized employee codes of conduct and, if not, they can obtain sample codes of conduct through existing legal and industry organizations. Additionally, she indicates that mandating the SBE to develop sample codes of conduct is unnecessary and would divert the SBE from its primary duties.

schools; multiple birth siblings; classrooms (H.B. 2039) – VETOED

Requires, with exceptions, a public school to place multiple birth siblings enrolled in the same school and grade level in the same or separate classrooms, whichever is requested by the parent.

In her veto message, the Governor indicates that classroom placement of children and their siblings should be addressed on a case-by-case basis through a collaborative decision between

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educators and parents, and that state legislative intervention is unwarranted.
schools; standards; PE; art; music (H.B. 2557) – VETOED

Prohibits a school district from eliminating instruction in physical education, arts, music, career and technical education or vocational education from the school district's prescribed course of study for budgetary reasons unless the school district governing board votes at a public meeting to reduce or eliminate the programs. Also, requires the Arizona Department of Education to survey school districts regarding instruction in physical education, arts, music, career and technical and vocational education and report to the Governor and Legislature by December 15, 2008.

In her veto message, the Governor indicates that a decision by a school district governing board is already the method by which school districts make changes to their curricula, and therefore the bill is unnecessary and redundant. In addition, she states that the bill does not provide additional resources to foster programs in music, the arts, physical education, or career and technical education.

school districts; compliance; withholding monies (H.B. 2560) – VETOED

Allows the State Board of Education (SBE) to direct the Superintendent of Public Instruction (SPI) to withhold ten percent of state aid monies from a school district found to be substantially and deliberately out of compliance with education statutes related to the powers and duties of governing boards, school employees and instruction if the school district fails to correct the deficiency within 90 days after receiving notice from the Arizona Department of Education. The bill further decreases a school district's maintenance and operations general budget limit by the amount withheld by the SPI, until the SBE makes a final determination of compliance.

The Governor states in her veto message that the SBE and the SPI currently have sufficient powers to issue strong penalties to a school district through a ten percent withholding if the school district is in noncompliance with Uniform System of Financial Records requirements and through new powers granted in Laws 2008, Chapter 139 (H.B. 2711), that allows a takeover of a school district that is academically underperforming.